

Atty. Docket No. YOR920010266US2
(590.071)

REMARKS

Please note the fact that June 11, 2005, fell on a Saturday ensures that this paper is timely filed as of today, Monday, June 13, 2005 (the next succeeding day which is not a Saturday or Sunday).

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

The disclosure stands objected to because it contains an embedded hyperlink or other form of browser executable code. The section of the disclosure in contention has been amended. Reconsideration and withdrawal of this objection is respectfully requested.

The drawings are objected to under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims. Specifically, the Office asserts the "package", "method" and "program storage device" complete with their associate features must be shown or the feature(s) canceled from the claims. (*Office Action* at 2) This objection is respectfully traversed. Applicants wish to direct the Examiner's attention to the fact that these terms appear in the preamble of the independent claims and that as such their illustration has not been required in the drawings. See U.S. Patent No. 6,782,515 (August 24, 2004) ("program storage device" recited in claims not illustrated in drawings in an application examined by the present Examiner). Additionally, C.F.R. 1.81 states

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that “[T]he applicant for a patent is required to furnish a drawing of his or her invention where necessary for the understanding of the subject matter sought to be patented”.

Accordingly, Applicants again respectfully request this objection be withdrawn. Should the objection still be maintained, further clarification is requested.

Claims 1-15 were pending in the instant application at the time of the outstanding Office Action. Independent Claims 1, 8, and 15 and dependent claims 2-6 have been have been rewritten. These amendments are not in acquiescence of the Examiner's position on the allowability of the claims, but merely to expedite prosecution. It should be noted Applicant intends no change in scope of the claims by the changes made by these amendments and has introduced no new matter to the specification.

Claims 1-6 stand objected to with the Office asserting the language “adapted to” is not a positive limitation. The claims have been amended to address this issue. Applicants respectfully request this objection be withdrawn.

Claims 1, 6, 8, 13 and 15 stand rejected under Section 112, second paragraph, with it being asserted these claims are indefinite. The basis for the rejection against Claims 1, 8, and 15 is the phrase “whereby the use of pointers is precluded”; the basis for the rejection against Claims 6 and 13 is the phrase “avoid[ing] the use of reference counts”. The rejection further states “[a] claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.” These rejections are respectfully traversed. It is respectfully submitted the terms “precluded” and “avoid” are indeed active, positive steps. For example, the term “precluded” appears

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in the claims of at least 1,294 issued United States Patents. See U.S. Patent No. 6,805,388 (October 19, 2004) (Claim 7, “*whereby* the pin head is adapted to be pushed in a first direction through the passageway and past the retainer and then be *precluded* from unintentionally moving in an opposite direction through the passageway and past the retainer”) Furthermore, the term “*avoid*” appears in the claims of at least 16,036 issued United States Patents. See U.S. Patent No. 6,810,493 (October 26, 2004) (Claim 3, “*wherein* said errant client is adapted to be removed from said notification list to *avoid* future event notification of said client”). Accordingly, Applicants respectfully request this objection be withdrawn. Should the objection still be maintained, further clarification is requested.

Claims 1, 6, 8, 13 and 15 are also indicated as being rejected under Section 112, although the identified basis is 35 U.S.C. 101. (*Office Action* at 4) The basis for this rejection appears to be an error, as there is no section entitled “Claim Rejections - 35 USC § 101” in the Office Action. To the extent this is a continuation of the Section 112 rejections addressed above (the language is similar), the comments made in response to those rejections continue to be applicable. Clarification is respectfully requested. Several attempts were made to contact the Examiner requesting a telephonic interview to discuss this issue, but no response was obtained.

Claims 1-3, 6-10, and 13-15 stand rejected under 35 U.S.C. 102(b) as anticipated by Biere. Claims 1-5, 8-12, and 15 stand rejected under 35 U.S.C. 102(b) as being anticipated by Biliris. Reconsideration and withdrawal of the present rejections is hereby respectfully requested.

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In the original filing of claims, and the currently amended filing of claims, Independent Claims 1, 8, and 15 recite that "at least a partial order among the nodes is maintained". In the first non-final office action presented in the prosecution of this application, the Office rejected this limitation under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office asserted that the limitation was not enabled in the specification of the application. The prior art cited in the rejections (including Biere and Biliris) against the application also did not address this limitation. The Applicant respectfully submits that not only is this limitation enabled in the specification of the application, but that it is also a novel feature of the application and places the independent claims in condition for allowance.

Applicant respectfully submits that the enablement of the above limitation was disclosed in several places in the specification. First of all, on page 7, lines 13-14, the specification discloses that "**BDD's are constructed bottom-up in a recursive depth-first fashion**". As is common knowledge to those of ordinary skill in the art, constructing a graph or a tree in such a fashion always results in a partial order. Additionally, the disclosure states that in the BDD DAG of the instant invention, there will be the "**situation that a parent node is younger than its children**". (Page 9, lines 3-5) This situation also represents a partial order. This node-age invariant is also discussed on Page 19 of the specification, in which the parent and child nodes may be exchanged or swapped in the process of dynamic variable ordering. It is stated in the specification that the invariant is re-established and maintained by rebuilding the BDDs

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following such a reordering. (Page 19, lines 1-13) Thus, as seen in the specification, a partial order among the nodes is maintained in the present invention.

As best understood, both Biere and Biliris disclose a package including an arrangement for identifying at least two nodes in a graph, assigning integer numbers to different nodes, and maintaining an order among the nodes. This is in stark contrast to the present invention, in which at least a partial order is maintained among the nodes.

It is respectfully submitted that the applied art clearly falls short of present invention in that the applied art does not disclose or suggest maintaining "at least a partial order among the nodes". Accordingly, Applicant respectfully submits that the applied art does not anticipate the present invention because, at the very least, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under construction." W.L. Gore & Associates, Inc. v. Garlock, 721 F.2d 1540, 1554 (Fed. Cir. 1983); see also In re Marshall, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

In view of the foregoing, it is respectfully submitted that Claims 1, 8, and 15 fully distinguish over the applied art and are thus in condition for allowance. By virtue of dependence from what are believed to be allowable independent Claims 1, 8, and 15, it is respectfully submitted that Claims 2-7, and 9-14 are also presently allowable. Notice to

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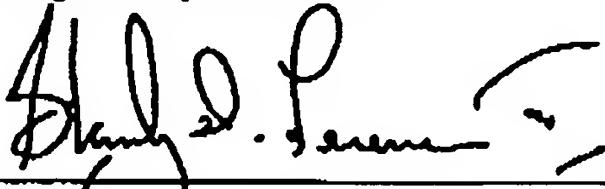
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the effect is hereby earnestly solicited. If there are any further issues in this application,
the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Stanley D. Ference III
Registration No. 33,879

Customer No. 35195
FERENCE & ASSOCIATES
409 Broad Street
Pittsburgh, Pennsylvania 15143
(412) 741-8400
(412) 741-9292 - Facsimile

Attorney for Applicants